

(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
VERKAMA, Markku

Confirmation No.: 9392

Application No.: 09/830,028

Filed: August 15, 2001

Art Unit: 2617

For: DIGITAL TELECOMMUNICATION SYSTEM

Examiner: IQBAL, Khawar

**REPLY BRIEF**

**MS APPEAL BRIEF – PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Dear Sir:

As required under 37 C.F.R. § 41.41(a), this brief is timely filed within two months of the Examiner's Answer mailed on July 6, 2009, making the due date for this Reply Brief Tuesday, September 8, 2009 due to the U.S. national holiday on Monday, September 7, 2009. Oral Hearing is not being requested concurrent with this Reply Brief.

The Director is authorized to charge the \$540.00 fee for filing a brief in support of appeal pursuant to 37 C.F.R. §41.20(b)(2). The Director is further authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. **03-3975** from which the undersigned is authorized to draw.

Appellant does not disagree with sections (1) – (8) of the Examiner's Answer. The purpose of this Reply Brief is to respond to what Appellant believes are continued mischaracterizations of the applied art, Tseng and Navarro, and the Examiner's inconsistencies relating to the interpretation of the art with respect to the invention recited at least in independent claims 1 and 14, as found in Sections (9) and (10) of the Examiner's Answer. The arguments presented in Appellant's Appeal Brief are incorporated and expanded herein.

In these sections of the Answer, the Examiner continues to argue on behalf of the deficiencies of Tseng et al. and Navarro, but now at least partly changes the passages therein on which he bases his arguments.

## **I. Clarification of the Deficiencies of the Applied Art**

### **A. Deficiencies of Tseng (US 6,172,974)**

Now the Examiner refers to col. 4, lines 40 – 43 of Tseng, which discloses that the vocoder of the MS compresses the digitized voice for transmission to the respective BSC in an enhanced full rate codec (EFR) format, this allegedly disclosing that the MS would indicate its speech codec to a switching center.

However, previously in the same paragraph, Tseng discloses that a MS includes a codec, and that either a BSC or a MSC also includes a codec. Accordingly, ***Tseng does not teach that a terminal would indicate its speech codecs to a switching centre MSC.*** A person with ordinary skill in art would appreciate that the EFR codec is a system-dependent speech codec for a conventional GSM system, wherein the respective switching centers are always aware of speech codecs supported by the terminals. Hence, ***there is no need to indicate the speech codecs supported by the terminals to the switching centers.***

Furthermore, the Examiner first refers to MSC 12A and MSC 12B as the first and second centers being associated with a calling and a called terminal, but now the Examiner inconsistently refers to the BSC as being the first/second center.

Since Tseng does not disclose that a terminal would indicate its speech codecs to a switching center, it can be concluded that, contrary to Appellant's claimed invention, ***the terminals of Tseng do not participate in the selection of inter-MSC coding.*** The Examiner implicitly agrees with this by admitting that Tseng does not disclose the handshaking process as defined in the claims, wherein at least one of the first and second centers is configured to choose the speech codec used commonly by the calling and called terminals. The Examiner alleges that Navarro discloses this feature (col. 2, line 47 – col. 3, line 35). Appellant respectfully traverses this continued mischaracterization of Navarro.

**B. Deficiencies of Navarro (US 6,108,560)**

Navarro makes it clear (col. 9, lines 3 - 5) that the choice of the codec is an internal process for the BSS (Base Station Subsystem). Appellant submits that it is generally known that a BSS comprises a BSC, a plurality of BTSs, and a TRAU. Navarro further discloses that, for choosing a common codec, the BSC provides a list of codecs and the codec version of the MS to the TRAU (col. 8, lines 7 - 10). Then the TRAUs of the opposite sides negotiate with each other in order to find a common codec.

However, the Examiner completely ignores Appellant's claim limitations in independent claim 1, for example, that at least one of the first and second centers comprises a mobile switching center (i.e. MSC). More importantly, *it is evident that Navarro does not disclose any MSC, which would choose the speech codec used commonly by the calling and called terminals.*

**II. Conclusion**

Entry of this Reply Brief by the Examiner and reversal of the rejections by the Honorable Board and/or allowance by the Examiner are respectfully requested.

Due Date: September 8, 2009 (Tuesday) Respectfully submitted,

**Electronic Signature:** /Larry J. Hume/  
Larry J. Hume  
Registration No.: 44,163  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900 (switchboard)  
(703) 770-7981 (direct)  
(703) 770-7901 (fax)  
e-mail: [Larry.Hume@pillsburylaw.com](mailto:Larry.Hume@pillsburylaw.com)  
Attorney for Appellant